

1982 WL 189250 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 12, 1982

*1 Representative Patrick B. Harris
House Legislative Ethics Committee
P. O. Box 11867
Room 515
Blatt House Office Building
Columbia, S. C. 29211

Dear Representative Harris:

In a letter to this office, you questioned whether there would be a conflict of interest for a member of the House, who is also an employee of J. P. Steveans & Company, to vote on House Bill 3567. Such bill would raise the tax millage that J. P. Stevens & Company pays into the Piedmont Light, Sewer and Fire District From twenty mills to fifty-five mills.

I am unaware of any provision of the State Ethics Act which would absolutely prohibit the above-referenced legislator from voting on House Bill 3567. However, [Section 8-13-460, Code of Laws of South Carolina](#), 1976, as amended, provides that:

‘Any public official or public employee who, in the discharge of his official duties, would be required to take action or make a decision which would substantially affect directly his personal financial interest or those of a member of his household, or a business with which he is associated, shall instead take the following actions:

(a) Prepare a written statement describing the matter requiring action or decisions, and the nature of his potential conflict of interest with respect to such action or decision.

(b) If he is a legislator, he shall deliver a copy of such statement to the presiding officer of his legislative branch. The presiding officer if requested by the legislator shall cause such statement to be printed in the journal and, upon request, shall excuse a legislator from votes, deliberations, and other action on the matter on which a potential conflict exists; provided, however, any statement delivered within twenty-four hours after the action or decisions shall be deemed to be in compliance with this section.’

As stated, such provision does not disqualify a legislator from voting in the referenced circumstances, but does provide for such legislator to be excused from voting if he requests.

If there are any further questions, do not hesitate to contact me.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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